

ORIGINAL

J (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

United States District Court

SOUTHERN

DISTRICT OF NEW YORK

FORTRESS CREDIT CORP.,

Plaintiff,

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

ALARM ONE INC.

Defendant.

07 CIV 7590

TO: (Name and address of defendant)

JUDGE McMAHON

ALARM ONE INC.
1601 ORANGEWOOD AVENUE
ANAHEIM, CA 92805

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

KIRKLAND & ELLIS LLP
CITIGROUP CENTER
153 EAST 53RD STREET
NEW YORK, NEW YORK 10022

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

AUG 27 2007

J. MICHAEL McMAHON

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COURT UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DISTRICT OF NEW YORK
FORTRESS CREDIT CORP.,

Index No. 07 CIV 7590

Plaintiff(s)
against
Defendant(s)
ALARM ONE INC.

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at SUNNYSIDE, NEW YORK
That on 9/13/07 at 2:12 P.M., at 111 EIGHTH AVENUE, NEW YORK, NEW YORK (13TH FLOOR)
deponent served the within summons, and complaint on ALARM ONE INC. defendant therein named,
SEE ATTACHED RIDER C/O CT CORPORATION SYSTEM

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as
1. ☐ said defendant therein.
CORPORATION a DOMESTIC corporation, by delivering thereat a true copy of each to AIXA FLORES
2. ☒ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.
SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age
3. ☐ and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.
AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—
4. ☐ usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited
USE WITH 3 OR 4 SA. ☐ said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.
MAILING TO BUSINESS Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly
USE WITH 3 OR 4 SB. ☐ addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.
DESCRIPTION
USE WITH 1, 2, OR 3
☒ Male ☐ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☒ Female ☐ Black Skin ☒ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☒ 5'4"-5'8" ☒ 131-160 Lbs.
☒ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☒ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT. ☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE ☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

9/13/07

JOHN DICANIO
Notary Public, State of New York
No. 01DI497768
Qualified in Westchester County
Commission Expires Feb. 11, 2011

PRINT NAME BENEATH SIGNATURE
DI CONG JIANG

License No. 1220800

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FORTRESS CREDIT CORP.,

CASE NO.
07 CIV 7590

RIDER TO AFFIDAVIT
OF SERVICE

-AGAINST-

ALARM ONE INC.

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LIST OF DOCUMENTS SERVED:

- SUMMONS IN A CIVIL ACTION
- THIRD PARTY SUMMONS IN A CIVIL CASE
- COMPLAINT
- SUBPOENA IN A CIVIL CASE
- APPEARANCE
- CIVIL COVER SHEET
- RULE 7.1 STATEMENT
- 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL
- PROCEDURES FOR ELECTRONIC CASE FILING
- GUIDELINES FOR ELECTRONIC CASE FILING
- INDIVIDUAL PRACTICES OF JUDGE MCMAHON
- INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELLIS